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Syn. No. 31
5/28/02

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012


Dear Supervisors:

**CONDITIONAL USE PERMIT NUMBER 99-281(4)
FOURTH SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

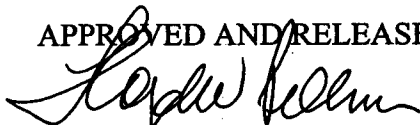
Your Board previously conducted an appeal hearing regarding the above-referenced permit which proposes a 48 unit senior citizen apartment complex in the Hacienda Heights Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

LLOYD W. PELLMAN
County Counsel

By 
RICHARD D. WEISS
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


LLOYD W. PELLMAN
County Counsel

RDW/
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 99-281(4)**

1. The applicant requested a conditional use permit in connection with its proposal to develop a 48-unit senior citizen apartment complex with a density bonus.
2. The subject property is located at 15554 Gale Avenue, Hacienda Heights, in the Hacienda Heights Zoned District. The subject property is currently vacant.
3. The rectangular-shaped project site is relatively flat and 1.77 acres in size. Access to the parcel is via Gale Avenue to the north.
4. The pre-existing zoning on the subject property was C-2-BE (Neighborhood Business, Billboard Exclusion) and A-1-6,000 (Light Agriculture, 6,000 square feet minimum required area). The Board of Supervisors concurrently considered and approved a change of zone on the subject property to R-2-DP (Two-Family Residential, Development Program). This conditional use permit is required to implement the "DP" addendum on the new zoning classification to ensure that development will conform to the plans and exhibits submitted by the applicant where such plans and exhibits constitute a critical factor in the decision to rezone.
5. Zoning surrounding the subject property consists of the City of Industry to the north, A-1-6,000 to the south, C-2-BE to the east, and C-2-BE and A-1-6,000 to the west. Surrounding land uses include commercial uses to the north and east and single-family residential to the south and west.
6. The subject property was designated as Commercial and U2 (Urban 2 – 3.3 to 6.0 dwelling units per acre) under the Hacienda Heights Community Plan (northern portion Commercial, southern portion U2). The Commercial category is described in the Plan as retail, commercial, service, and office uses, while the U2 category is described as Urban Low Density Residential with 5,500- to 9,999-square-foot lot sizes characterized by single-family tract development with a density range of 3.3 to 6.0 dwelling units per gross acre. The Board of Supervisors concurrently considered and approved a local plan amendment to change the Commercial and U2 designations to Urban 4 (Urban 4 – 12.1 to 22.0 dwelling units per acre) which is defined as urban multiple residential areas characterized by low-rise apartment developments. A density of 22 dwelling units per acre (38 dwelling units) is proposed with a 26 percent density bonus to total 27.1 dwelling units per acre (48 dwelling units). Pursuant to subsections 22.56.202.F.1 and F.2 of the Los Angeles County Code, the

proposed project is eligible to apply for a conditional use permit to allow the requested 26 percent density bonus.

7. The Hacienda Heights Community Plan states that the major housing issue in this area is the lack of a broad variety of housing types and prices. The Community Plan goes on to say that each community is charged with providing housing for all segments of the population, including those who do not now live there but who should be given an opportunity to do so. The Regional Planning Commission found that the proposed 48-unit senior citizen housing development was consistent with the Urban 4 community plan designation and with the goals and objectives of the Countywide General Plan and the Hacienda Heights Community Plan. The Board of Supervisors concurs in that opinion.
8. The site plan, labeled as "Exhibit A," shows a 1.77-acre rectangular-shaped parcel developed with a two-story, 48-unit senior citizen apartment development with a community room. The site plan depicts 38 uncovered parking spaces (36 standard, 2 handicapped accessible) and appurtenant landscaping. Access is provided by a 26-foot-wide driveway from Gale Avenue along the west side of the site. Tenant parking is depicted at the south end of the site while guest parking is shown along the west side.
9. The applicant is proposing a six-foot-high masonry wall along the south, east, and west property lines and four-foot-high wrought iron fencing with masonry pilasters along the north property line. The R-2 zone requires all fencing within the front yard setback (20 feet) to be of a height not to exceed 3 feet 6 inches. The applicant is requesting a modification to this standard.
10. Pursuant to Section 21.08.090, a "lease project" refers to a development where two or more residential buildings are constructed and maintained on one parcel of land, and apartments are leased within one or more of the buildings with overall control of the land and buildings being retained by the lessor. Pursuant to Chapter 21.16 of the County Code, a lease project requires a parcel map. The project, as originally designed, would have required a parcel map. The applicant agreed to redesign the project to connect the two buildings. With this redesign, a parcel map is not required for the project.
11. Pursuant to Section 22.52.1210, parking shall be provided for the senior citizen apartment development as follows:

One-half parking space for each dwelling unit subject to the following restrictions:

- a. The parking may be covered or uncovered. If uncovered, the screening requirements of subsection L of Section 22.56.1110 must be followed;
 - b. A deed restriction, covenant, or similar document shall be recorded to assure that the occupancy of the units is restricted to senior citizens or handicapped persons;
 - c. A plot plan shall be submitted to and approved by the Director in accordance with Part 12 of Chapter 22.56; and
 - d. Guest parking shall be provided in the ratio of one parking space for each eight units. These spaces shall be marked guest spaces.
12. The proposed development, with the attached conditions, will comply with the County Code parking requirements. A total of 30 parking spaces (24 for tenant use and 6 for guest parking) are required for the proposed development. The applicant's site plan depicts 38 uncovered parking spaces (30 standard size, 2 handicapped accessible, and 6 guest spaces). The rear parking area will be screened by a six-foot-high solid wall along the rear property line that meets the screening requirements referenced in finding number 11, above. The applicant will be required to record a deed restriction to assure that the occupancy of the units is restricted to senior citizens or handicapped persons.
13. Pursuant to Section 22.20.210, no building in the R-2 zone shall have a height in excess of 35 feet above grade, excepting chimneys and rooftop antennae. The proposed development was designed with a maximum allowable height of 25 feet 10 inches above grade, which is well under the maximum allowable height.
14. The R-2 zone requires a front yard setback of not less than 20 feet, interior side yard setbacks of not less than 5 feet, and rear yard setbacks of not less than 15 feet. The applicant's site plan depicts the apartment units set back from the front property line 20 feet, interior side yard setbacks a minimum of 10.5 feet, and a minimum rear yard setback of 60 feet. The applicant's site plan is in compliance with the setback requirements of the R-2 zone.
15. Pursuant to Section 22.56.240, in granting a conditional use permit, the County may approve signage that it deems appropriate for such use; provided, however, that no sign or signs may be authorized that would not be permitted in the C-1 zone by the provisions of Part 10 of Chapter 22.52.

16. Pursuant to Section 22.52.890, 50 square feet plus one-fourth square foot of sign area for each one foot of street or highway frontage in excess of 100 feet is allowed in the C-1 zone that could be applied to the proposed development. With a frontage of 165 feet, a 66-square-foot sign area would be allowed for a monument sign. In regard to height, no freestanding sign in the C-1 zone shall exceed a maximum height of 30 feet, measured vertically from ground level at the base of the sign. In regard to sign location, the sign shall not be located on any property nearer to a lot line, other than one adjoining a street or highway, than a distance equal to 25 feet plus one foot for every one square foot of sign area in excess of 50 square feet.
17. A sign area of approximately 47.25 square feet is proposed for the project monument sign which is well within the County Code maximum allowable 66-square-foot sign area. The proposed height is 4.5 feet which is well within the maximum allowable 30-foot height. The proposed location is adjacent to an adjoining street (Gale Avenue) which would allow it to be located at a distance less than 25 feet from the front property line. The proposed monument sign is in compliance with the C-1 signage requirements and is approved in connection with this conditional use permit request.
18. An initial study was prepared for the project in compliance with the California Environmental Quality Act ("CEQA") and the State CEQA guidelines and the environmental document reporting procedures and guidelines of the County. The initial study demonstrated that there is no substantial evidence that the project may have a significant effect on the environment. Consequently, a negative declaration has been prepared for the project. The Board finds that the negative declaration has been prepared in accordance with CEQA and reflects the Board's independent judgment as to the potential environmental impacts of the project.
19. The applicant met with the Hacienda Heights Improvement Association to discuss the scope of this project and to answer any questions regarding the proposal. Subsequent to that meeting, the Hacienda Heights Improvement Association forwarded a letter to the Department of Regional Planning expressing its support of the project.
20. Pursuant to Section 22.56.202, a density bonus conditional use permit may be applied for if at least 50 percent of the dwelling units are provided for qualifying residents or senior citizens as defined in sections 51.2 and 51.3 of the Civil Code. If the project meets the minimum requirements above, a density bonus of at least 25 percent shall be granted. If a project exceeds the minimum requirements, it may be eligible for a bonus of one dwelling unit for each

additional senior citizen or qualified resident dwelling unit reserved beyond the minimum required. In no case, however, shall the total density bonus exceed a 50 percent increase over what the general plan would otherwise allow.

21. The applicant's requested density bonus represents a 26 percent increase over the maximum allowable density under the Urban 4 designation in the Hacienda Heights Community Plan, well under the 50 percent threshold. All 48 units will be provided at market rates according to the applicant's agent.
22. The Board of Supervisors finds the proposed development qualifies for the requested 26 percent density bonus as it will provide 100 percent of the 48 units for qualifying senior citizens. Pursuant to Section 22.56.202.1, the Board of Supervisors waives the requirement that the applicant furnish security to assure completion of all designated senior citizen housing units since the entire project is reserved for senior citizen housing.
23. The Board of Supervisors finds that there is no justification for allowing four-foot-high fencing along the north property line. As a condition of approval, the applicant will be required to re-submit a site plan depicting the fencing on the north property line at a height not to exceed 42 inches.
24. The Board finds that the proposed development will serve as a buffer between the commercial uses to the east and the single-family homes located to the west and south that makes it an acceptable and desirable type of infill development.
25. The Board finds that the proposed development will provide needed housing for senior citizens.
26. The Board finds that the request is an appropriate use at the proposed location as it is within walking distance to commercial shops and services used by senior citizens, as well as within walking distance to public transportation.
27. The Board finds that the requested development is sensitive to the adjacent residential developments and consistent with the adopted policies of the Hacienda Heights Community Plan and the Countywide General Plan.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area as amended by Local Plan Amendment Case No. 99-281(4);

- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed by Title 22 of the County Code, or as otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. That the proposed project at the location proposed has been designed to be compatible with the surrounding area in terms of land use patterns, design, and established community character;
- F. That the proposed project will assist in satisfying senior housing needs and is viable in terms of continuing availability to meet such housing needs and will not cause or add to undue concentration of affordable housing units in the surrounding community; and
- G. That the proposed project is reasonably proximate to public transit and shopping.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Approves the negative declaration for the proposal and certifies that it has reviewed and considered all of the information contained therein;
- 2. Certifies that the negative declaration has been completed in compliance with CEQA, the State CEQA guidelines, and the environmental document reporting procedures and guidelines of the County of Los Angeles and reflects the independent judgment of the Board; and
- 3. Approves Conditional Use Permit Number 99-281(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 99-281(4)**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning ("Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and the fees required pursuant to Condition No. 8, below, have been paid.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the time period provided by Government Code section 65009, or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If, during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested, in writing and with payment of the appropriate fee, no later than six months before the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
8. The permittee shall deposit with the County of Los Angeles the sum of \$3,000. The fee shall be placed in a performance fund which shall be used exclusively to compensate the department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 30 annual inspections. If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the department for all additional enforcement efforts necessary to bring the subject property into compliance.
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said agency.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by these permit conditions, or shown on the approved plans.

12. All structures and driveway approaches shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
14. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. The subject facility shall be developed and maintained in compliance with requirements of the State Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said agency.
16. Within 60 days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of a Revised Exhibit "A," similar to that presented at the public hearing which clearly shows: 1) the location and type of all wall, bollard, and pole mounted lighting. All lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare; 2) the trash enclosure located away from the south and west property lines; 3) all fencing within the 20-foot front yard setback at a height not to exceed 42 inches; and 4) the two apartment units connected in some manner to be one structure. The subject property shall be developed in substantial conformance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
17. Within 60 days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of building elevations which depict the proposed colors and materials with fully dimensioned height from grade. The subject property shall be developed in substantial conformance with the approved elevations. In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
18. The permittee shall develop the subject parcel with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. Incidental walkways, if needed, may

be developed in the landscaped areas. The permittee shall submit for approval three copies of a landscape plan, which may be incorporated into the Revised Exhibit "A" discussed in Condition No. 16 to the Director of Planning within 60 days of the approval date of this grant. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities.

19. The permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of the Notice of Determination in compliance with section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code. The current fee amount is \$1,275.
20. Pursuant to Chapter 22.72 of the County Code, in order to mitigate library impacts, the applicant or its successor in interest, shall contribute \$601 per dwelling unit (\$601 X 48 apartment units = \$28,848) to the County of Los Angeles Public Libraries and provide proof of payment to the department prior to the approval of the Revised Exhibit "A." The permittee may contact the County Librarian at (562) 940-8430 regarding payment of fees.
21. This grant allows for a density bonus of 26 percent to promote the construction, operation, and maintenance of a two-story 48-unit senior citizen apartment development on property located at 15554 Gale Avenue, Hacienda Heights, subject to the following restrictions:
 - a. This grant shall not be effective until the Board of Supervisors has adopted Local Plan Amendment 99-281(4), and Zone Change 99-281(4), and the ordinance effecting the change of zone is effective;
 - b. All trash enclosure areas shall be screened from public and private view corridors;
 - c. All materials graded should be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering should occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 miles per hour averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

- d. Project construction activity shall be limited to those hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m., Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby offices, residences, and neighborhoods. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas that do not adversely affect residences located to the south and west of the subject property;
- e. The permittee shall maintain no less than 38 uncovered on-site parking spaces (32 for tenant use and 6 for guest parking);
- f. The senior citizen housing units shall be reserved for a minimum of 30 years;
- g. A covenant and agreement or such other mechanism furnished by the applicant subject to review by, and the prior approval of, the County Counsel shall be recorded, implemented, and continuously administered for 30 years to ensure the continuing availability of the housing units for qualifying senior citizens or handicapped persons. Said covenant agreement shall contain remedies for violations of the covenant, including, but not limited, to monetary penalties;
- h. The permittee shall post a sign in English and the predominant second language spoken in the area at the apartment building's primary entrance identifying the manager's name and a 24-hour contact telephone number to report any potential problems related to the subject property;
- i. Adequate lighting shall be provided and maintained in operable condition in all exterior vehicular and pedestrian areas (e.g., driveways, parking areas, yards, stairways) of the subject property to the satisfaction of the Director of Planning;
- j. Storage and automobile repair within designated parking spaces is expressly prohibited;
- k. The apartment building shall be developed with a maximum of 48 senior citizen apartment units;
- l. The occupancy of the rental apartment units shall be restricted to senior citizens or handicapped persons as defined in the California Civil Code;

- m. The apartment development shall be compatible with existing residences in the vicinity of the subject property in terms of external appearance, materials, and finished quality;
- n. The permittee shall submit a parking management plan for approval to the Director of Planning before the approval of the Revised Exhibit "A." Said plan shall clearly identify how the permittee intends to assign parking spaces to the apartment's tenants as well as the parking management practices of the facility;
- o. Any gate constructed across a driveway shall be designed to County Fire Department specifications so that the entire width of the driveway is accessible by emergency vehicles;
- p. The permittee shall abide by all requirements of the County Department of Public Works as listed in the Department's letter dated July 12, 2000, on file at the Department of Regional Planning, or as otherwise modified by said Department of Public Works;
- q. The permittee shall abide by all requirements of the County Fire Department as listed in the Fire Department's letter dated June 16, 2000, on file at the Department of Regional Planning, or as otherwise modified by the Fire Department;
- r. After 30 years, the code-required parking shall either be provided or a parking permit approved before the County will release the covenant;
- s. Signage plans shall be submitted to the department for review and approval for any future signage prior to its installation;
- t. The applicant shall submit a deed restriction, covenant, or similar document for recording to assure that the occupancy of the units are restricted to senior citizens or handicapped persons, subject to the review and approval of County Counsel.